

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
CLERK

2011 FEB 23 AM 10:13

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
CASE NO. 2:09-cv-583
COLUMBUS

Craig Michael, Kirk

Plaintiff

Vs.

Honorable Judge James L. Gram

Muskingum County Ohio *et al.*

Magistrate Elisabeth Preston Deavers

Defendants

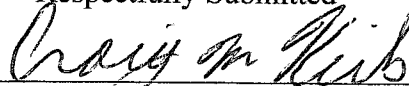
**PLAINTIFFS SUPPLEMENTAL MOTION OF OPPOSITION AND OBJECTION TO
DEFENDANTS MUSKINGUM COUNTY *et al* SUMMARY JUDGEMENT WITH
EXHIBITS ATTACHED WITH AN ACCOMPANYING DECLARATION AND A
REQUEST FOR TRIAL BY COURT FOR ISSUES OF FACT AND LAW!**

That the Plaintiff Craig Michael, Kirk seeks an order moving this Honorable Court, for sustaining plaintiffs objections against Muskingum County et al, and Defendant Shillings Motion for summary judgment, in the alternative Judgment on all plaintiffs, claims set forth with following Exhibits attached incorporated and in supported at all times herein.

Plaintiffs further supports this "whole" motion in opposition and objections against Muskingum County et al, summary judgment in the interests of justice for reasons set forth and in support of this Motion by accompanying exhibits Memorandum of Law, and Declaration attached, and incorporated hereto as fact with exhibits in support at all times herein.

Doc No. 2 Fact N.1-257

Respectfully Submitted



PO BOX 206 Warsaw, Ohio 43844

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Phone 740 824-4850

Memorandum of Law

May It Please the Court?

Please see Plaintiff's exhibits# 4, 4-9, 5, 5-4, 6, 7, 7-5, 8 8-9 9, 10, 10-1, 11, 12, 12-7, 13, 13-1, 13-2, 14, 14-6, 15, 15-28 16 16-10, 17, 17-1, 18, 18-5, 19, 19-15,

That the Plaintiff in procedure error, now corrects his defects with exhibits filing his exhibits **see Doc No. 2** in aid to the court, where plaintiff shining much needed light on plaintiff's complaint. Please see and crawl though all exhibits attached incorporated by reference at all times. **See Doc No. 2 fact No. 1-257.** Plaintiff respectfully offers by the totality of all parties **the facts**, which that the court would on it's own power decide that fate of all parties in this action but in the interest of what is fair just and in the interest of justice to all.

Plaintiff in total opposition makes continuing objections for review to Muskingum County et al Motions for Summary Judgment(s) based on the exhibits now offered to the court very late. Plaintiff asked that the court yield and reconsider in the most favorable light for plaintiff in whole or in part or whatever the court would find to be just in the and recommendation forthcoming **see doc No.97.**

Plaintiff points to the Defendant Shilling offering discovery never disclosed in the **original** case where the court can see by the continuity of the Prosecutor Rankin Ohio Revised Court Criminal Rule 16 Discovery before the court now pages 1-30 top right hand corner.

Plaintiff pleads asking of the court, to crawl through all exhibits where the court will discover in the inmates handbook, front page **THE policy and language** writer(s) unknown to plaintiff illustrated herein and at trial the inmate's book is written with **words of ART in structure and form to obstruct the plaintiff in the interest on making a lot of money.**

Plaintiff offers the lower inferior court appears now to the plaintiff having **NO** full disclosures of plaintiffs motion in compliance with the inmates hand book where plaintiff was

denied the “Gate-Way” to the court in the underline case, for post conviction relief upon the transcript.

Plaintiff also asks the court please see the pro se answer to dismiss in the under line case. Plaintiff restates to the court that it is a bad faith traffic stop I can prove it by Defendants own evidence and conflicts of statements supported by plaintiffs exhibits.

Plaintiff now taken into custody by the Muskingum County Sheriffs Department under Court order squarely before the court not an issues see ALL exhibits. Plaintiff was broke with no money of his own, where his auto repair shop in the end crashed and burned desperately trying to gain access to the court for post conviction relief PLEASE SEE EXHIBIT UP TO JAIL STAFF.

Plaintiff failing to discover evidence at sentencing by the transcript, the remedies, duties, liabilities, and burdens, bestowed upon the Plaintiff from the court his rights were violated denied by Defendant Brad Shawger Muskingum County et al.

Plaintiff asks the court by it’s great wisdom that this case be granted for trial by court based upon the ripeness for adjudication in the interest of justice and in the interest and or Judicial economy.

Plaintiff objects to Muskingum County et al Defendant Shilling FRE violation 602.

ARTICLE VI. WITNESSES

Rule 601. General Rule of Competency

Every person is competent to be a witness except as otherwise provided in these rules. However, in civil actions and proceedings, with respect to an element of a claim or defense as to which State law supplies the rule of decision, the competency of a witness shall be determined in accordance with State law.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may,

but need not, consist of the witness' own testimony. This rule is subject to the provisions of rule 703, relating to opinion testimony by expert witnesses.

Rule 603. Oath or Affirmation

Before testifying, every witness shall be required to declare that the witness will testify truthfully, by oath or affirmation administered in a form calculated to awaken the witness' conscience and impress the witness' mind with the duty to do so.

Rule 613. Prior Statements of Witnesses

(a) Examining witness concerning prior statement.

In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

(b) Extrinsic evidence of prior inconsistent statement of witness.

Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate the witness thereon, or the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in rule 801(d)(2).

Rule 614. Calling and Interrogation of Witnesses by Court

(a) Calling by court.

The court may, on its own motion or at the suggestion of a party, call witnesses, and all parties are entitled to cross-examine witnesses thus called.

(b) Interrogation by court.

The court may interrogate witnesses, whether called by itself or by a party.

(c) Objections.

Objections to the calling of witnesses by the court or to interrogation by it may be made at the time or at the next available opportunity when the jury is not present.

Wherefore, Plaintiff asked the court in the interest of justice from earlier report and recordmendation that if it is too late, Plaintiffs now asked the court please reconsider in favorable light of plaintiffs from his evidence now, before the court on the record. But also from prior court orders established with this courts report in support of plaintiffs exhibits attached and incorporated that the court deny Muskingum County et al Motion for Summary Judgment in which the court on

it's own motion allow the plaintiff to bring all remains of said defendants to trial. That the Plaintiff states that what ever the court finds would be fair just and right ruling in the interest of all parties so be it. So let it be said. So let it be written, respect to the court.

At the mouth of two or more witnesses shall the matter be established Deut. 19:15.

Leah Kirk
Gladie Kerehnt

Craig Kirk
Craig Kirk

CERTIFICATE OF SERVICE

The under signed Craig Kirk, do hereby certify that I did deliver a true and correct copy of the forgoing documents Exhibits **PLAINTIFFS SUPPLEMENTAL MOTION OF OPPOSITION AND OBJECTION TO DEFENDANTS MUSKINGUM COUNTY *et al* SUMMARY JUDGEMENT WITH EXHIBITS ATTACHED WITH AN ACOMPANYING DECLARATION AND A REQUESTFOR TRIAL BY COURT FOR ISSUES OF FACT AND LAW!** 02/22/2011 A.D. depositing a copy thereof in the United States Mail Postage prepaid, in an envelope address to: **UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION** to send to all defendants by pacer and to all defendants Muskingum county et al through and by their council.

Respectfully Submitted,

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PO. BOX 206 Warsaw Ohio [43844]
E-mail craigslaw@frontier.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Craig Michael, Kirk

Plaintiff

CASE NO. 2:09CV583

Vs.

Judge James L. Graham
Magistrate Elisabeth Preston Deavers

Muskingum County Ohio et al.

Defendants

United States District Court Southern District Clerk of Court

Please find;

Craig Michael Kirks pleading identified as **PLAINTIFFS SUPPLEMENTAL MOTION OF OPPOSITION AND OBJECTION TO DEFENDANTS MUSKINGUM COUNTY *et al* SUMMARY JUDGEMENT WITH EXHIBITS ATTACHED WITH AN ACCOMPANYING DECLARATION AND A REQUEST FOR TRIAL BY COURT FOR ISSUES OF FACT AND LAW!** On or about 02/22/2011 A.D. sent and mailed CASE NO. 2:09CV583. to said clerk plaintiff so orders the United States District Court Southern District of Ohio Eastern Division clerk of court to file said court papers and that it be timely herein.

Respectfully Submitted



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ASSEVERATION & DECLARATION

Craig Kirk

2/22/2011 A..D

I Craig Michael Kirk bind his mind body and soul under pains and penalties hereby so asseverates and declares to the court that I'm of sound mind body over the age of 18 living in Warsaw, Ohio County of Coshocton for at least 5 years in the United States Of America.

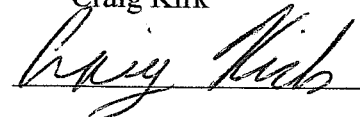
Craig Kirk Plaintiff So states as to the truth that on the night in question in the underline case traffic stop case the plaintiff in the 440 federal case state at all times Defendant Shilling was not at the bank at the exact time in which he so states in his motion for summary judgment.

Plaintiff also states that the brand new police report which plaintiff has never seen before issued in discovery now in the underline case in form or substance objects to it as truth and fact before the court.

Plaintiff also declares in concert to his exhibits attached and incorporated herein that the exhibits are true correct complete and that plaintiff's job in defending his rights is under the civil rights litigation body of law created by congress. Plaintiff in his mind was denied but violated several time of his rights while in custody in the Muskingum County Jail.

Wherefore Plaintiff in his Asseverates/Declares to the court that he believes herein is true to the best of his understanding to the substance of plaintiff's complaint.

Craig Kirk

A handwritten signature in cursive script, appearing to read "Craig Kirk", written over a horizontal line.